

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN R. CUTTS,

Plaintiff,

v.

ST. LOUIS COUNTY, et al.,

Defendants.

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No. 4:15CV672 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant St. Louis County Health Department's Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). Plaintiff has not filed a response in opposition, and the time for doing so has expired. Upon review of the motion and related memorandum, the Court will grant Defendant's motion.

In an Amended Complaint, Plaintiff sued both St. Louis County and St. Louis County Department of Health for alleged violations of his right to privacy concerning the release of medical records without Plaintiff's authorization. Plaintiff alleges that St. Louis County Department of Health is a health care provider and indicates an address in Berkeley, Missouri. However, Plaintiff fails to allege that St. Louis County Department of Health is a governmental agency or any "legal entity capable of being sued." *White v. Camden Cnty. Sherriff's Dept.*, 106 S.W.3d 626, 631 (Mo. Ct. App. 2003).

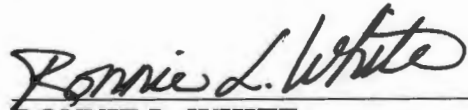
"A local governmental entity . . . which lacks the capacity to be sued under the applicable state law may not be sued in federal court . . . ." *Bell v. Perry Cnty. Sherriff's Dept.*, No. 1:06CV00155 RWS, 2007 WL 2137800, at \*1 (E.D. Mo. July 23, 2007) (citing *Dean v. Barber*, 951 F.2d 1210 (11th Cir. 1992)). Defendant contends that the St. Louis County Department of

Health is merely an administrative arm of St. Louis County and may not be sued as a separate entity. Indeed, the St. Louis County Charter states, “[t]here shall be the departments of . . . community health and medical care . . . [which] shall be internally organized as may be provided by ordinance or . . . by executive order of the county executive.” § 4.010. Further, sections 4.120-4.150 set forth the rules pertaining to the department of community health and medical care. Because St. Louis County Department of Health is a department of St. Louis County and not a legal entity subject to suit, the Court finds that dismissal of St. Louis County Health Department is warranted. *Bell*, 2007 WL 2137800, at \*1; *see also Catlett v. Jefferson Cnty.*, 299 F. Supp. 2d 967, 969 (E.D. Mo. 2004) (finding no statutory authorization for the Medical Department of Jefferson County to sue or be sued and dismissing for failure to state a claim).

Accordingly,

**IT IS HEREBY ORDERED** that St. Louis County Health Department’s Separate Motion to Dismiss (ECF No. 18) is **GRANTED**. The cause of action remains pending as to Defendant St. Louis County.

Dated this 14th day of July, 2015.

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**